

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1384

Introduced by Assembly Member Miller

February 27, 2009

~~An act to amend Section 4002 of the Penal Code, relating to jails.~~
An act to amend Section 41964 of the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 1384, as amended, Miller. ~~Jails.~~ *Gasoline: vapor recovery systems.*

Existing law requires the State Air Resources Board to adopt procedures for determining the compliance of any system designed for the control of gasoline vapor emissions during gasoline marketing operations, including storage and transfer operations, and additional performance standards to ensure that systems for the control of gasoline vapors from motor vehicle fueling operations do not cause excessive spillage and emissions. Existing law prohibits the state board from requiring a gasoline dispensing facility that meets certain requirements from undergoing an Enhanced Vapor Recovery Phase II upgrade until April 1, 2011. Regulations adopted by the state board require an Enhanced Vapor Recovery Phase II upgrade by April 1, 2009, as provided.

This bill would prohibit the state board from requiring a gasoline dispensing facility owned or operated by a local government that does not meet these requirements from undergoing an Enhanced Vapor Recovery Phase II upgrade until April 1, 2010.

Existing law establishes various criteria for segregating and classifying prisoners in county jails for specified purposes.

~~This bill would make a technical, nonsubstantive change to those provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 41964 of the Health and Safety Code is
2 amended to read:

3 41964. (a) The state board shall not require a gasoline
4 dispensing facility that meets all of the following requirements to
5 undergo an Enhanced Vapor Recovery Phase II upgrade until April
6 1, 2011:

7 (a)

8 (1) As of January 1, 2009, have installed a state board certified
9 Phase II vapor recovery system.

10 (b)

11 (2) Have an annual gasoline throughput of 240,000 gallons or
12 less.

13 (c)

14 (3) Operate in a county that has a population of less than
15 100,000.

16 (d)

17 (4) Operate in a basin not classified as nonattainment for ozone.

18 (b) *The state board shall not require a gasoline dispensing*
19 *facility owned or operated by a local government that does not*
20 *meet all of the requirements of subdivision (a) to undergo an*
21 *Enhanced Vapor Recovery Phase II upgrade until April 1, 2010.*

22 SECTION 1. ~~Section 4002 of the Penal Code is amended to~~
23 read:

24 4002. (a) ~~Persons committed on criminal process and detained~~
25 ~~for trial, persons convicted and under sentence, and persons~~
26 ~~committed upon civil process, shall not be kept or put in the same~~
27 ~~room, nor shall male and female prisoners, except husband and~~
28 ~~wife, sleep, dress or undress, bathe, or perform eliminatory~~
29 ~~functions in the same room. However, persons committed on~~
30 ~~criminal process and detained for trial may be kept or put in the~~
31 ~~same room with persons convicted and under sentence for the~~

1 purpose of participating in supervised activities and for the purpose
2 of housing, provided, that the housing occurs as a result of a
3 classification procedure that is based upon objective criteria,
4 including consideration of criminal sophistication, seriousness of
5 crime charged, presence or absence of assaultive behavior, age,
6 and other criteria that will provide for the safety of the prisoners
7 and staff.

8 (b) ~~Inmates who are held pending civil process under the~~
9 ~~sexually violent predator laws shall be held in administrative~~
10 ~~segregation. For purposes of this subdivision, administrative~~
11 ~~segregation means separate and secure housing that does not~~
12 ~~involve any deprivation of privileges other than what is necessary~~
13 ~~to protect the inmates and staff. Consistent with Section 1610, to~~
14 ~~the extent possible, the person shall continue in his or her course~~
15 ~~of treatment, if any. An alleged sexually violent predator held~~
16 ~~pending civil process may waive placement in secure housing by~~
17 ~~petitioning the court for a waiver. In order to grant the waiver, the~~
18 ~~court must find that the waiver is voluntary and intelligent, and~~
19 ~~that granting the waiver would not interfere with any treatment~~
20 ~~programming for the person requesting the waiver. A person~~
21 ~~granted a waiver shall be placed with inmates charged with similar~~
22 ~~offenses or with similar criminal histories, based on the objective~~
23 ~~criteria set forth in subdivision (a).~~

24 (c) ~~Nothing in this section shall be construed to impose any~~
25 ~~requirement upon a county to confine male prisoners and female~~
26 ~~prisoners in the same or an adjoining facility or impose any duty~~
27 ~~upon a county to establish or maintain programs which involve~~
28 ~~the joint participation of male and female prisoners.~~